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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ST. FRANCIS MEMORIAL HOSPITAL )  
 AND FRANKLIN BENEVOLENT )  
 CORPORATION f/k/a DAVIES MEDICAL )  
 CENTER, )  
 Plaintiff, )  
 v. )  
 MICHAEL O. LEAVITT, in His Official )  
 Capacity as Secretary of the Department of )  
 Health and Human Services, )  
 Defendant. )

Nos. C 08-1440 BZ

DECLINATION TO PROCEED BEFORE  
 A MAGISTRATE JUDGE AND REQUEST  
 FOR REASSIGNMENT TO A UNITED  
 STATES DISTRICT JUDGE

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

DATED: May 21, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
 United States Attorney

/S/  
 JULIE A. ARBUCKLE  
 Assistant United States Attorney  
 Attorneys for Defendant

DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE - C 08-1440 BZ

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST  
FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

St. Francis Memorial Hospital and Franklin Benevolent Corporation f/k/a Davies Medical Center  
v. Michael O. Leavitt, in His Official Capacity as Secretary of the Department of Health and  
Human Services  
 C 08-1440 BZ

to be served this date upon each of the persons indicated below at the address shown:

Kenneth R. Marcus  
 Honigman Miller Schwartz and Cohn LLP  
 2290 First National Building  
 660 Woodward Avenue  
 Detroit, MI 48226

Gary E. Gleicher  
 Law Offices of Gary E. Gleicher  
 433 North Camden Drive Suite 730  
 Beverly Hills, CA 90210

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**BY FIRST CLASS MAIL** by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

**CERTIFIED MAIL (#)** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

**BY PERSONAL SERVICE (BY MESSENGER):** I caused such envelope to be delivered by hand to the person or offices of each addressee above.

**BY FACSIMILE (FAX):** I caused each such document to be sent by facsimile to the person or offices of each addressee above.

**BY E-MAIL:** I caused each such document to be sent by e-mail to the person or offices of each address above.

**BY FEDERAL EXPRESS**

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DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE - C 08-1440 BZ

1 I declare under penalty of perjury under the laws of the State of California that the foregoing  
2 is true and correct. Executed May 21, 2008 at San Francisco, California.

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4 /s/  
KATHY TERRY  
5 Legal Assistant  
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